

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE

MEETING FOUR - MEETING NOTES

1:00 pm-4:00pm, March 30, 2006
St Paul's Oblate House, Augusta, Maine

Task Force Members Present: John Adelman, Victor Horton, Jerry Hughes, Sue Inches, Joseph Kazar, Toni King (for Don Meagher), Fergus Lea, Susan Lessard, William Lippincott, David Littell, Greg Lounder, Jeff McGown, Peter Prata, Kevin Roche, Laura Sanborn, Ron Smalley, Paul Therrien, Sarah Wojcoski.

Members of the Public Present: Leslie Jones, Jody Harris, Craig Worth. Sam Zaitlin.

Facilitator: Jeff Edelstein

Welcome

Sue Inches of the State Planning Office welcomed participants. She described that the purpose of today's meeting is to get task force response to recommendations that the office made based on meetings earlier in the fall. SPO is very interested in getting task force members' input. Whether the office changes the recommendations will depend on the discussion today. In any event, today's comments will be recorded and attached to the report.

Sue explained that the State Planning Office tried as hard as it could to balance its recommendations based on the different perspectives they heard.

Legislative Update

The task force was conducted in the context of a lot of legislative debate. Sue Inches gave an update on some of the solid waste bills acted upon in the Second Regular Session of the 122nd Legislature.

- LD 1777 – unanimous OTP – sets up a blue ribbon commission to study high level questions related to solid waste. It has a \$15,000 fiscal note and funding is pending legislative action. The commission would address three key issues: 1) import/export of waste, 2) management structure (i.e. how should solid waste be managed at the state level), and 3) the hierarchy. The commission would meet 10 times between now and Jan 1st. The recommendations presented by SPO today were made in light of the expectation that the Blue Ribbon Commission would be established. Some issues discussed by the task force SPO deferred to that group and did not address in its report.
- Supplemental Budget – The budget included a proposal to replenish the Fund for Local and Regional Efficiencies. If that is funded it would provide \$500,000 for grants for regional approaches, including solid waste. [Editor's Note: the Supplemental Budget Bill approved by the Legislature on March 29 includes \$500,000 for the grant program].
- LD 141 – divided report 6-6-1; divided on floor, sent back to committee where the committee is trying (today) to work out a compromise. An amendment would limit the amount of the

wood portion of CDD from out-of-state waste that could be burned in licensed boilers to 50% of total burned. There also has been discussion of an exception to make the Athens facility feasible. [Editor's Note: On a 12-1 vote, the Natural Resources Committee approved the amendment noted above to LD 141. It is awaiting action by the two houses].

- 1795 – would ban out-of-state waste in municipal disposal facilities. This was passed with a January 1 sunset. It essentially creates moratorium until the Blue Ribbon Commission can present its recommendations
- 1578 12-1 ONTP – host community benefits for Saco

Recommendations

Sue Inches stated that the State Planning Office took very seriously the task force discussion in developing its recommendations. In some cases the office shaped recommendations from discussion, so that a recommendation is SPO's idea, but based on what task force members said. In other cases, SPO did not present a recommendation for topics discussed. This may have been because there was another venue or the timing is not right to move. It's not that SPO was ignoring task force members, but there was a reason why it was not included.

The State Planning Office still wants comments which should be sent in written form by April 12. The office intends to submit the recommendations before the Legislature adjourns at the end of April.

Sue repeated her earlier statement that SPO may or may not change its recommendations based on today's discussion; it depends on what comes up. SPO will record today's comments and seriously consider them. As has been said all along, these are SPO recommendations, not recommendations from the task force. SPO did this because they did not want to try to force consensus, but instead wanted to try to understand different views of the interests represented by task force members. These are SPO recommendations, but SPO is interested in knowing how task force members feel about them.

Discussion and Comments

The recommendations are grouped into four categories: 1) recommendations that affirm existing state policy; 2) policy recommendations, which would require a statutory change; 3) research and data collection recommendations, which can be undertaken by the office within existing statutory authority; and 4) programmatic recommendations, which can be undertaken by the office within existing statutory authority. The task force considered each group of recommendations in turn.

The first set of recommendations affirms existing state policy.

1. Maintain the solid waste management hierarchy to guide the management of Maine's municipal solid waste in order to reduce the volume of waste requiring disposal. (No Change)
2. Maintain the 50% recycling goal. Continue to calculate and publish the statewide recycling rate using both state and federal methodologies. (No Change)
3. Keep the ban on the development of new commercial disposal facilities. (No Change)

4. Continue to support regional approaches to solid waste management. Maintain and replenish the Fund for the Efficient Delivery of Local and Regional Services as one way to fund planning and implementation of regional approaches to solid waste management. (No Change)

Comments/Discussion:

- 50% goal is not meaningful unless we are taking steps to achieve it.
- 50% goal does not have any teeth; there are ways to put teeth into statute and rules. Perhaps the Blue Ribbon Commission can take this up.
- Regional grant program may be more effective if it was targeted (i.e. solid waste projects).
- Grants should be linked to the goal (i.e. preference for programs achieving the 50% goal).
- Omitted two existing state policies – municipal responsibility for managing solid waste and state responsibility for siting disposal capacity – did you mean to leave these out?
- Room for improvement/simplify how local recycling rates are calculated.

The second set of recommendations would require statutory changes.

5. *Ongoing Review of Solid Waste Policy in Maine:* Establish a solid waste advisory council to replace the current solid waste management policy review task force. The council would meet at least twice a year and guide the State Planning Office on both policy and programmatic issues. (Statutory Change)
6. *Annual Update of Disposal Capacity Report:* Update the waste generation and disposal capacity report section of the state plan annually and brief the Governor, Department of Environmental Protection, and Joint Standing Committee on Natural Resources on new information contained in the update. (Statutory Change)
7. *Move Beyond 50% Recycling:* Maintain the 50% recycling goal and add a policy statement that favors waste reduction and maximizing waste diversion with the use of solid waste generated in Maine for its resource value. (Statutory Change)
8. *Lengthen the Trigger:* Lengthen from four to six years the ‘trigger’ for the office to alert the Legislature of the need to develop state-owned disposal capacity. (Statutory Change)
9. *Revisit Host Community Benefits:* Revisit host community benefits to clarify the process for negotiating host community benefits. Develop a protocol for the review of community benefit agreements during their lifespan. (Statutory Change)

Comments/Discussion:

- Need to flesh out specifics on advisory council (membership, etc).

- Include an evaluation of the advisory council. Are we better off than we were with the 5-year review?
- Reconsider how often it meets and how much staff it takes. Consider meeting one per year.
- What does “waste diversion” mean? Does it include burning waste for energy?
- One person not comfortable with inclusion of waste-to-energy.
- Separate the 50% goal from waste diversion goal.
- It is not the process for negotiating host community benefits that is not clear, rather it is that it lacks teeth. The host is not on equal footing. The “other” category of benefits is too amorphous. Suggested that the need is to “revise” or “strengthen” the process, instead of “clarify.”
- Need to strengthen the host position in the process.
- Not sure that is necessary to change the host community benefit process. Commercial business owners do not want the black eye of being accused on not negotiating in good faith.

The third set of recommendations would require additional research and data collection.

10. *Quantify the Impacts of Solid Waste Policy in Maine:* Conduct a quantitative analysis for use by policymakers of the economics of Maine’s solid waste system, costs and benefits of changes to that system, and effects of change on solid waste stakeholders, including but not limited to:
 - social, environmental, and financial costs and benefits of the current system
 - social, environmental, and financial costs and benefits of changes to the current public and private ownership of solid waste disposal facilities
 - costs and benefits of significantly increasing recycling
 - the economic and environmental impacts of out-of-state generated solid waste on existing management and disposal infrastructure
 - a comparative analysis of various methods of disposal, including what currently exists in Maine and emerging technologies
 - effective use of state resources in managing solid waste. (Research/Study)
11. *Reuse Construction and Demolition Debris:* Explore options for reusing Maine-generated construction and demolition debris as a resource, including examining what other states have done. Analyze the cost-benefit of incentives and disincentives to support the management of this material. (Research/Study)
12. *Broaden the State’s Disposal Capacity Analysis:* Analyze the state’s needs and capacity for managing waste, including:
 - cover a 25-year time horizon
 - identify and assess any regional capacity issues
 - assess volume as well as tonnage
 - assess stability and life expectancy of existing facilities

- assess the amount and type of imported and exported waste, how it is being used, and where it is going
- develop a protocol for responding to natural disasters
- assess impact of recycling on disposal capacity
- analyze recycling and processing capacity. (Research/Study)

13. *Fund Public Recycling*: Assess the results of state grants given to municipalities in the past, establishing benchmarks of success. Use this analysis to inform future funding proposals for public recycling programs. (Research/Study)

Comments/Discussion:

- How realistic is 25 years for the disposal capacity analysis?
- New technologies are emerging that will capture greater volumes of recyclables –will emerge in one year; some operated by private sector because public sector could not afford to construct them. SPO assessment of public recycling should look at how public programs fit in or could augment these new, private sector efforts.
- The analysis of recycling capacity should look at single-stream recycling. How will this fit it with Maine’s existing local programs?
- Need to anticipate future technologies in analysis.
- Should look at what other state/countries are doing for aggressive recycling.
- Use solid waste regional approaches to inform regional efficiency grants.
- Peer review of regional efficiency grants.

The last recommendation can be implemented within existing statutory authority.

14. *Fund Public Recycling Education*: Design and develop funding proposals for an on-going public education and outreach campaign on the value of recycling and composting, targeting residents and businesses statewide. (Programmatic)

Comments/Discussion:

- Take advantage of funding from foundations or philanthropic organizations.

Overall/General Comments

- Page 5, under “Emerging Changes,” some changes listed are not necessarily “emerging,” rather they have been persistent over time, i.e. difficulty in siting disposal facilities.
- It was noted that siting is not difficult, rather nearly impossible.
- The state policy to close old, small dumps led to consolidation into a few, larger facilities, which cause more concern and are harder to site.
- State should look now for new, long-term disposal capacity.

- Page 5, under “Emerging Changes,” the report cites continuing growth in waste generation. There are variations in waste generation among different regions of state. PERC towns have been flat.
- Rising costs and increasing expertise needed to operate disposal facilities is true of all facilities, not just municipal.
- There is a lack of political leadership and inability or willingness to deal with complex solid waste issues.
- How valid is the 1989 law? I believe it was based on fears and assumptions not proved true.
- Heard a lot in this legislative session about lack of recycling in Maine. Not true, there’s a lot of good recycling going on.
- Municipal recycling programs may get short shrift; need a boost.
- Home composting workshops help.

Public Comment

Sam Zaitlin encouraged the state and task force members to adopt a new way of thinking about solid waste. Our thinking of solid waste issues is still stuck in a pre-911 and pre-Iraq world. There is a new reality today.

Next Steps:

1. Provide today’s notes to this task force members
2. Present the final report and recommendations to the Governor, Legislature, and Department of Environmental Protection
3. Present the report and recommendations to Blue Ribbon Commission
4. Undertake SPO research and study tasks, starting right away
5. Begin to develop legislative proposals for next session, call people in for assistance and feedback

Review of Task Force Process

What worked?

- Breakout groups
- Assigning people to groups
- Diversity of task force; exposure to different views
- Interviews before the process
- Civility and respectfulness

What needs improvement?

- Have clear goal(s), especially if have ongoing advisory council

Sue Inches thanked the members of the task force and said that it has been very useful to get their thoughts and feedback and SPO appreciates the time they have put into this process.